

REMARKS

Claims 28-56 are pending, with claims 28, 35, 44, 50, 54, and 55 being independent. Claims 1-27 have been cancelled. Claims 28-56 have been added. No new matter has been introduced.

Specification Objections

The abstract has been objected to as not enabling the USPTO and the public generally to determine quickly from a cursory inspection the nature and gist of the technical disclosure. The applicant respectfully submits that the abstract does enable the USPTO and the public generally to determine quickly from a cursory inspection the nature and gist of the technical disclosure, as it is a concise statement of the technical disclosure of the patent and includes that which is new in the art to which the invention pertains. *See* MPEP § 608.01(b)(B). Accordingly, applicant respectfully requests reconsideration and withdrawal of this objection to the abstract.

The specification has been objected to for reciting "online service 210" on page 17, lines 15, 18, and 19-20. These instances of "online service 210" have been replaced with "L2TP network server 210." Accordingly, applicant respectfully requests reconsideration and withdrawal of this objection to the specification.

Claim Rejections – 35 U.S.C. § 101

Claims 12 and 18 have been rejected under 35 U.S.C. § 101. Applicant has cancelled claims 12 and 18, which renders this rejection moot.

Claim Rejections – 35 U.S.C. § 112

Claims 9 and 11 have been rejected under 35 U.S.C. § 112, first paragraph. Applicant has cancelled claims 9 and 11, which renders this rejection moot.

Claims 20 and 22 have been rejected under 35 U.S.C. § 112, second paragraph. Applicant has cancelled claims 20 and 22, which renders this rejection moot.

Claim Rejections—35 U.S.C. § 102

Claims 1-8, 12-18, 20, and 22-27 have been rejected under 35 U.S.C. § 102 as being anticipated by Franklin (U.S. Patent Number 7,092,364). Applicant has cancelled claims 1-8, 12-18, 20, and 22-27, which renders this rejection moot.

Claim Rejections—35 U.S.C. § 103

Claims 9-11, 19, and 21 have been rejected under 35 U.S.C. § 103 as being unpatentable over Franklin in view of Barsheshet (U.S. Patent App. Pub. No. 2003/0043738). Applicant has cancelled claims 9-11, 19, and 21, which renders this rejection moot.

New Claims

New independent claim 28 recites, in part, establishing a first communications session on a first communications path between a gateway and an online service, establishing a second communications session that differs from the first communications session on a second communications path that differs from the first communications path between the gateway and a user device, determining, at the gateway, diagnostic information associated with a fault in the

second communications session, communicating, in the first communications path between the gateway and the online service, the diagnostic information associated with the fault in the second communications session to the online service, and alleviating, in response to communication of the diagnostic information associated with the fault in the second communications session, the fault in the second communications session without human intervention. Applicant submits that new independent claim 28 is allowable over the references of record, namely Franklin, at least because Franklin fails to describe or suggest the noted features of independent claim 28.

Franklin discloses monitoring provisioning in a DSL network. *See* Franklin at Abstract; col. 9, lines 32-40. Elements in the DSL network, such as the NMS (154), MiniRAM (140), and EMS (156), are queried by the PMT for information related to the provision of DSL services. *See* Franklin at col. 9, lines 41-64; FIG. 4. The PMT then analyzes the information to identify points of delay and/or failure in the provisioning of the DSL services. *See* Franklin at col. 9, line 65 to col. 10, line 15. If the delay is greater than a threshold, an alert notification is generated and forwarded to an administrator, a dialog box appears on the PMT monitor, or an anomaly appears in a trending graph displayed on the PMT monitor. *See* Franklin at col. 10, lines 15-21.

As described above, the PMT of Franklin is connected to the internal DSL network components (see FIGS. 1 and 4). However, the PMT is not connected to a user device and it is not disclosed as monitoring or determining faults that occur between the user device and either of (1) the PMT itself, or (2) the DSLAM (107) with which the user device (102a) establishes a communications session. Stated differently, the PMT does not determine diagnostic information associated with a fault in a second communications session, the second communications session

on a second communications path between the gateway and a user device, as recited in new independent claim 28.

In addition, the system of Franklin does not alleviate the fault in the second communications session without human intervention, as recited in new independent claim 28. Instead, as described above, although the provisioning in a DSL network is automatically monitored by Franklin, an alert notification is generated and forwarded to an administrator, a dialog box appears on the PMT monitor, or an anomaly appears in a trending graph displayed on the PMT monitor if the delay is greater than a threshold, all requiring human interaction to alleviate the delay. *See* Franklin at col. 10, lines 48-57 (“The automated reporting feature allows administrators to view the status of the provisioning process and quickly identify the source of problems.”)

Finally, Franklin's PMT does not communicate the diagnostic information associated with the fault in a communications session to the online service, as recited in new independent claim 28. Rather, in Franklin, an alert notification is generated and forwarded to an administrator, a dialog box appears on the PMT monitor, or an anomaly appears in a trending graph displayed on the PMT monitor.

Accordingly, for at least these reasons, applicant submits that independent claim 28 and its dependent claims are allowable.

Independent claims 35 and 44 recite subject matter that is similar to that discussed above in connection with independent claim 28, and do so in the context of a system (claim 35) and a tangible computer readable medium (claim 44). Accordingly, at least for the reasons discussed

above in connection with independent claim 28, applicant submits that independent claims 35 and 44 and their respective dependent claims are allowable.

New independent claim 50 recites, in part, establishing a second communications session that differs from the first communications session on a second communications path that differs from the first communications path between the gateway and a first user device, establishing a third communications session that differs from the first communications session and the second communications session on a third communications path that differs from the first communications path and the second communications path between the gateway and a second user device, communicating, in the first communications path between the gateway and the online service, the diagnostic information associated with the fault in the second communications session to the online service, communicating, in the first communications path between the gateway and the online service, the diagnostic information associated with the fault in the third communications session to the online service, and determining, based on the communication of the diagnostic information associated with the fault in the second communications session and the communication of the diagnostic information associated with the fault in the third communications session, a fault in an interface of the gateway.

For at least the reasons discussed above, Franklin does not describe or suggest communicating the diagnostic information associated with the fault in the second communications session to the online service or communicating the diagnostic information associated with the fault in the third communications session to the online service.

In addition, Franklin does not describe or suggest determining a fault in an interface of the gateway, based on the communication of the diagnostic information associated with the fault in the second communications session and the communication of the diagnostic information associated with the fault in the third communications session. Franklin does not describe or suggest determining a fault in an interface of the PMT, but instead discloses determining if a delay associated with a DSL network component is greater than a threshold.

Accordingly, for at least these reasons, applicant submits that independent claim 50 and its dependent claims are allowable.

Independent claims 54 and 55 recite subject matter that is similar to that discussed above in connection with independent claim 50, and do so in the context of a system (claim 54) and a tangible computer readable medium (claim 55). Accordingly, at least for the reasons discussed above in connection with independent claim 50, applicant submits that independent claims 54 and 55 are allowable.

Conclusion

Applicant respectfully submits that all claims are in condition for allowance.

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this reply should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this reply, and the

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Page : 20 of 20

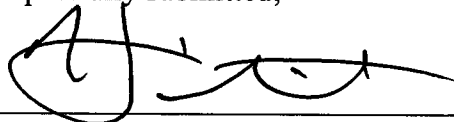
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amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

The fee in the amount of \$100 in payment for the Excess Claims fee is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

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